

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BEATA MUSIC LLC,

18-cv-6354 (JGK)

Plaintiff,

ORDER

- against -

DINO DANELLI, EDDIE BRIGATI, and
DOES 2-10, inclusive,

Defendants.

DINO DANELLI and EDDIE BRIGATI,

Third-Party Plaintiffs,

- against -

FELIX CAVALIERE and GENE CORNISH,

Third-Party Defendants.

JOHN G. KOELTL, District Judge:

The plaintiff seeks to have the Court grant it judgment on various claims and to dismiss other claims against the defendant/counterclaimant Brigati. The plaintiff argues that the Court's prior Memorandum Opinion and Order dismissing Brigati's claims, ECF No. 158, is a basis for granting it judgment, but Brigati argues that no judgment should be entered because there are defenses to be raised to those claims. The Court could grant summary judgment sua sponte if the decision on the prior motion indicated that judgment should be granted. But, in view of the opposition, it would be most prudent for the plaintiff to make a motion for summary judgment disposing of any remaining claims.

Brigati can then interpose any defenses that he claims prevent judgment from being granted. The plaintiff may file a new motion for summary judgment by March 22, 2022. Brigati may respond by April 5. The plaintiff may reply by April 12.

SO ORDERED.

**Dated: New York, New York
March 8, 2022**

**/s/ John G. Koeltl
John G. Koeltl
United States District Judge**